

Mail Stop Interference
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Paper 1
Filed March 10, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ANDREAS WEILER
Junior Party
(Patent 6,264,694),

v.

KWAN-HO CHAN
Senior Party
(Application 10/202,985).

Patent Interference No. 105,796 (JL)
(Technology Center 3700)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x." 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Jameson Lee has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 1:30 p.m. on April 21, 2011 (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named Inventors: Andreas Weiler; Berlin, Germany

Involved Patent: U.S. Patent 6,264,694 issued July 24, 2001; based
upon U.S. Patent Application 09/248,812
filed February 11, 1999

Title: Soft Tissue Graft Fixation Device and Method

Assignee: JP Morgan Chase Bank, as Administrative Agent

Senior Party

Named Inventors: Kwan-Ho Chan; Lubbock, Texas

Involved Application: U.S. Application 10/202,985 filed July 24, 2002; a
divisional of U.S. Application 09/315,918
filed May 20, 1999, now U.S. Patent
6,562,043 issued May 13, 2003

Title: Apparatus and Method for Ligament Fixation

Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 4 of U.S. Patent 6,264,694 (Weiler) or Claim 29 of U.S. Application 10/202,985 (Chan).

The claims of the parties are:

U.S. Patent 6,264,694 (Weiler): 1-11

U.S. Application 10/202,985 (Chan): 29-36

The claims of the parties which correspond to Count 1 are:

U.S. Patent 6,264,694 (Weiler): 4-11

U.S. Application 10/202,985 (Chan): 29-36

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

U.S. Patent 6,264,694 (Weiler): 1-3

U.S. Application 10/202,985 (Chan): None

The parties are accorded the following benefit for Count 1:

Weiler is accorded benefit of the following earlier filed applications:

None.

Chan is accorded benefit of the following earlier filed applications:

U.S. Application 09/315,918 filed May 20, 1999; now U.S.

Patent 6,562,043 issued May 13, 2003;

U.S. Provisional Application 60/125,745 filed March 23, 1999;

and

U.S. Provisional Application 60/086,329 filed May 21, 1998.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Jameson Lee/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,264,694
Copy of claims of U.S. Application 10/202,985

Revised 3 January 2006

cc (via overnight delivery):

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